

ASSEMBLY BILL

No. 252

Introduced by Assembly Members Yamada and Eggman

February 6, 2013

An act to amend Section 4996.14 of, and to add Article 6 (commencing with Section 4998.90) to Chapter 14 of Division 2 of, the Business and Professions Code, relating to social workers.

LEGISLATIVE COUNSEL'S DIGEST

AB 252, as introduced, Yamada. Social workers.

Existing law provides for the regulation of licensed clinical social workers. Existing law makes an individual who styles himself or herself as a licensed clinical social worker, without holding a license in good standing, guilty of a misdemeanor. Existing law exempts an individual employed by a government entity, certain academic institutions, an institution that is both nonprofit and charitable, and other specified individuals from that prohibition.

This bill would prohibit an individual from representing himself or herself as a social worker, unless he or she possesses certain academic qualifications. This bill would apply that prohibition to an individual employed by a governmental entity, certain academic institutions, an institution that is both nonprofit and charitable, and other individuals.

Existing law defines an approved school of social work to mean a school that is accredited by the Commission on Accreditation of the Council on Social Work Education.

Because a violation of the bill would be a crime, it would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes.

State-mandated local program: yes.

The people of the State of California do enact as follows:

1 SECTION 1. The Legislature finds and declares as follows:

2 (a) The profession of social work is over 100 years old and is
3 practiced worldwide. Its mission is to enhance and meet the basic
4 needs of all people, with particular attention to the state's most
5 vulnerable consumers, including families; adults and children
6 suffering from abuse, addiction, mental illness, and disabilities;
7 veterans; the elderly; and all people living in poverty and
8 experiencing oppression who have the right to expect that a person
9 with the title of social worker has the appropriate education,
10 experience, and training.

11 (b) A social worker possesses a specific body of professional
12 knowledge, training, and experience that is gained when the social
13 worker acquires his or her social work degree from a school
14 accredited by the Commission on Accreditation of the Council on
15 Social Work Education.

16 (c) A social work degree is based on scientific theory and
17 evidence-based practice.

18 (d) While this act protects the title of social worker, it does not
19 limit any other health care or social service title.

20 (e) The public confidence and the consumer's security are
21 paramount, and protecting the social worker title is critical to
22 successful social work for individuals, families, and communities.

23 SEC. 2. Section 4996.14 of the Business and Professions Code
24 is amended to read:

25 4996.14. (a) This chapter, *except for Article 6 (commencing*
26 *with Section 4998.90)*, shall not apply to an employee who is
27 working in any of the following settings if his or her work is
28 performed solely under the supervision of the employer:

29 (1) A governmental entity.

30 (2) A school, college, or university.

1 (3) An institution that is both nonprofit and charitable.

2 (b) This chapter shall not apply to a volunteer who is working
3 in any of the settings described in subdivision (a) if his or her work
4 is performed solely under the supervision of the entity, school,
5 college, university, or institution.

6 (c) This chapter shall not apply to a person using hypnotic
7 techniques by referral from any of the following persons if his or
8 her practice is performed solely under the supervision of the
9 employer:

10 (1) A person licensed to practice medicine.

11 (2) A person licensed to practice dentistry.

12 (3) A person licensed to practice psychology.

13 (d) This chapter shall not apply to a person using hypnotic
14 techniques that offer vocational self-improvement, and the person
15 is not performing therapy for emotional or mental disorders.

16 SEC. 3. Article 6 (commencing with Section 4998.90) is added
17 to Chapter 14 of Division 2 of the Business and Professions Code,
18 to read:

19
20 Article 6. Use of the Designation Social Worker
21

22 4998.90. (a) Except as provided in subdivisions (b), (c), and
23 (d), on or after January 1, 2014, only an individual who possesses
24 a degree from an accredited school of social work, as defined in
25 Section 4991.2, may represent himself or herself as a social worker.

26 (b) This article shall not be construed to apply to an individual
27 who is classified by his or her employer as a social worker if the
28 individual held that classification prior to January 1, 2014.

29 (c) A graduate of a school in candidacy status, as determined
30 by the Commission on Accreditation of the Council on Social
31 Work Education, or that was in candidacy status at the time the
32 graduate began attending the school, may not represent himself or
33 herself as a social worker if the school does not obtain accreditation
34 from the council.

35 (d) A social worker shall not use the title "Licensed Clinical
36 Social Worker" or "Associate Clinical Social Worker" unless the
37 individual meets the criteria specified under Article 4 (commencing
38 with Section 4996).

39 (e) It is not the intent of this section to limit the use of any other
40 health care or social service title.

1 (f) A violation of this chapter is an unfair business practice and
2 is subject to Section 4996.12.

3 SEC. 4. No reimbursement is required by this act pursuant to
4 Section 6 of Article XIII B of the California Constitution because
5 the only costs that may be incurred by a local agency or school
6 district will be incurred because this act creates a new crime or
7 infraction, eliminates a crime or infraction, or changes the penalty
8 for a crime or infraction, within the meaning of Section 17556 of
9 the Government Code, or changes the definition of a crime within
10 the meaning of Section 6 of Article XIII B of the California
11 Constitution.